



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200100559

Date: July 1, 2002

Comments Due: July 31, 2002

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under the authority of Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, (waters) as shown in the attached drawings.

APPLICANT: Price Walker, Elliott Homes, Inc., 2390 East Bidwell Street, Folsom, California 95630-3455

LOCATION: The proposed Galt River Oaks project is located within a portion of Section 23, Township 5 North, Range 6 East, in the U.S.G.S. Galt 7.5-min Quadrangle, City of Elk Grove, Sacramento County, California. See attached Figure 1.

PROJECT DESCRIPTION: The 141-acre Galt River Oaks project will include the residential development of 55-acre (Unit 2D) and 86-acre (Unit 3) parcels. See the proposed land-use plan (Figure 2). The full construction of this project will result in direct impacts to 0.66 acre of waters. Figure 5 shows 0.65 acre of impact. However, an additional 0.01 acre impact is expected from two outfalls on Deadman Gulch, discussed below.

Project construction includes an extension of Elk Hills Drive from existing Walnut Avenue through the Unit 2D site to Marengo Road. Construction of the extension will include installation of a 48-foot semi-span bridge over Deadman Gulch. Construction would result in a 0.06 acre direct impact to Deadman Gulch. In addition, two five foot wide trenches will be cut across Deadman Gulch, directly under the footprint of the bridge, for the installation of utility lines. The trenches will be backfilled with native soil. Temporary impacts to waters for the utility lines should not exceed 0.01 acre. The applicant has indicated no direct impacts to waters will occur during the installation of a full-span bridge for the Norbury Way road crossing, which connects Unit 2D and Unit 3.

Construction also involves the piping and realignment of the tributary to Deadman Gulch along the eastern project boundary. Two 48-inch pipes will be placed along Marengo Road to carry water from the tributary to Deadman Gulch under Marengo Road at the southern property line. The tributary will also be realigned and enhanced. Approximately 0.34 acre of waters would be permanently affected by this work. The applicant has not included a discussion of potential indirect impacts to the remaining tributary.

Two outfalls into Deadman Gulch would also impact approximately 0.01 acre of waters. No direct impacts to waters are expected for the installation of one outfall into the realigned tributary channel.

The applicant proposes to provide compensatory mitigation for impacts to Deadman Gulch and the channelized drainage on-site through creation and enhancement of the channelized drainage. East of the Norbury Road crossing, the channel will be realigned to create a more natural meandering stream. West of the crossing, an additional low flow channel will be created and connected to the existing channel to provide a greater amount of wetland habitat. Average upland buffers on this tributary, between the top of bank and development, would be approximately 10-50 feet. Based on Figures 2 & 5, it appears that a trail system is also proposed along the northern boundary of Unit 3.

Impacts to seasonal wetlands are proposed to be mitigated at a bank. The applicant is proposing to purchase creation credits at the Clay Station Mitigation Bank, which is located approximately 9 miles northeast of the project site. The applicant is proposing to mitigate for impacts associated with the Galt River Oaks project through purchasing 0.25 acre (1:1 ratio) of seasonal wetland creation credits at Clay Station. Additionally, the applicant proposes to purchase 0.50 acre of preservation credits at an agency-approved mitigation bank within Sacramento County. The applicant has stated that these proposed ratios are consistent with those outlined in the *February 28, 1996, Programmatic Formal Endangered Species Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California.*

The applicant is proposing to mitigate for indirect impacts to the four elderberry shrubs located on site by the purchase of 11.4 credits at an agency-approved mitigation bank. The number of credits were determined in accordance with the *July 9, 1999, Programmatic Formal Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle Within the Jurisdiction of the Sacramento Field Office, California.*

AREA DESCRIPTION: The applicant has provided the following description of the area. As described in the Northeast Specific Plan EIR, most of the plan area, including the project site, is classified as agricultural. The site is currently comprised of undeveloped fallow farmland that has been leveled and disked. It has been separated into several different farmed cells. However, there is no evidence of any active farming within these cells in recent times. The vegetation community consists of non-native annual grassland comprised of wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), ryegrass (*Lolium multiflorum*), field mustard (*Brassica rapa*), and soft chess (*Bromus hordeaceus*).

There are no trees throughout the fallow fields. Willows (*Salix* spp.) and cottonwoods (*Populus fremontii*) are located within a portion of the channelized drainage that flows from east to west. Deadman Gulch is located at the northern boundary and is comprised of mitigation riparian woodland and wetland habitats.

Soil series mapped by the Natural Resource Conservation Service for the site include (213) San Joaquin silt loam, leveled, 0-1% slopes in the northeastern corner of the site and (221) San Joaquin-Xerarents complex, leveled, 0-1% slopes throughout the remainder of the property (Figure 3).

There are a total of 2.58 acres of jurisdictional waters located within the project site (Figure 4). The 2.58 acres is comprised of three seasonal wetlands (0.26 acre) and other waters, which includes Deadman Gulch (1.85 acre) and a tributary (0.47 acre) to Deadman Gulch, which transects the property from east to west.

Seasonal wetland areas are located at two locations within the fallow farmlands and are characterized by seasonal inundation through the wet season and prolonged soil saturation into spring. These areas represent topographically low basins within the leveled fields and are likely underlain by a semi-impermeable or impermeable subsurface claypan. Hydrophytic plants observed within the seasonal wetlands include Mediterranean barley (*Hordeum marinum*), ryegrass, annual rabbits-foot grass (*Polypogon monspeliensis*), and annual hairgrass (*Deschampsia danthonioides*).

The channelized drainage that flows from the southeastern portion of the site into Deadman Gulch on the northern boundary is an unnamed tributary to Deadman Gulch. This drainage is currently a perennial feature, but is likely a historically ephemeral drainage or swale. Upstream irrigation runoff provides the perennial water source to this drainage. This feature may have been used as an irrigation ditch during historic farming operations. Currently, the drainage is comprised of open water with scattered moist soil and aquatic plant species such as cattails (*Typha* species), smartweed (*Polygonum* species), tall flatsedge (*Cyperus eragrostis*), and water primrose (*Ludwigia peploides*).

Deadman Gulch is located at the northern boundary and is comprised of mitigation riparian woodland and wetland habitats. The mitigation plan was designed and implemented to compensate for impacts to the stream from a flood control project associated with the implementation of the City's Northeast Area Specific Plan, and was required condition of the City's U.S. Army Corps of Engineers permit (No. 190110119).

ADDITIONAL INFORMATION:

Threatened and Endangered Species The applicant has provided the following information regarding threatened and endangered species. The seasonal wetlands on-site represent habitat for the federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*, federal-threatened) and vernal pool tadpole shrimp (*Lepidurus packardii*, federal-endangered). The applicants consultant, ECORP Consulting, Inc., was authorized by the U.S. Fish and Wildlife Service (USFWS) on November 9, 2001, to conduct surveys for these species. On January 16, 2002, *Branchinecta lynchi* were identified within one of the seasonal wetland features on the site. The USFWS was notified of this finding on January 18, 2002.

As discussed in the Northeast Area Specific Plan Final EIR, the Department of Fish and Game has stated that Deadman Gulch is potential habitat for the giant garter snake (NE Area Specific Plan EIR 1987). Surveys performed for the EIR found Deadman Gulch in the plan area was not habitat due to the agricultural alterations and lack of giant garter snakes observed in the project area. There are three documented occurrences of the giant garter snake within the vicinity of the project area (California National Diversity Database 2002). All occurrences are presumed to be extant.

Elderberry trees were planted as part of the implementation of the Deadman Gulch Parkway Revegetation Plan, a required condition of the City's Corps Permit. There are four elderberries within the project area. There will be no direct impacts to the elderberries in connection with

construction. Indirect impacts (construction within 100 feet of elderberry shrubs) will be mitigated at an agency-approved mitigation bank.

Additionally, the project will have direct impacts to waters within Essential Fish Habitat designated by the National Marine Fisheries Service (NMFS). The Corps has initiated consultation with the USFWS and the NMFS pursuant to Section 7 of the Endangered Species Act.

Cultural Resources The applicant has stated that the cultural resource section of the Northeast Area Specific Plan Final EIR states that no historic or prehistoric resources were observed during surveys performed for the area. The applicant has also stated that if cultural resources are encountered during construction, work in the immediate area will be suspended, and an archaeologist will be brought to the site to assess the findings.

Other federal, state, and local permits California Environmental Quality Act - The Northeast Area Specific Plan Final EIR, which includes the project site, was released in March of 1987. The Notice of Determination for the Northeast Area Specific Plan and EIR was filed September 2, 1987. A Notice of Exemption was filed on February 7, 1991, for the Galt River Oaks Unit 2 project. A Mitigated Negative Declaration is currently being prepared for Galt River Oaks Unit 3. Although this area was included in the Northeast Specific Plan EIR, the area is being rezoned from RD-5 to single family development, and therefore an additional environmental document is being prepared.

California Regional Water Quality Control Board - Water Quality Certification was obtained from the Central Valley Regional Water Quality Control Board on December 27, 2001.

California Department of Fish and Game - A Streambed Alteration Agreement was issued for the Unit 2D construction (outfalls and crossing) on November 19, 2001. A Streambed Alteration Agreement application will be submitted to the California Department of Fish and Game (CDFG) for Unit 3 prior to construction. Additionally, the implementation of the project will result in impacts to Swainson's hawk foraging habitat, which are regulated by the CDFG. The nearest nesting site was found to be within 5 miles, but greater than one mile from the project site. According to the CDFG mitigation guidelines for loss of foraging habitat (Staff Report on Swainson's hawk 1994), and given the project's proximity (within a 5-mile but greater than a 1-mile radius) to a known active nest site, impacts to Swainson's hawk foraging habitat resulting from the construction of River Oaks (approximately 141 acres) will be mitigated for at a ratio of 0.75:1. That is for every acre impacted, 0.75 acre will be preserved. At this ratio, mitigation for the Galt River Oaks project should result in preservation of 105.8 acres of habitat. Impacts to Swainson's hawk foraging habit on the Units 2D and 3 sites will be mitigated by the purchase of 105.8 acres of habitat credits at a Department approved mitigation bank in the project vicinity, or other Department approved mitigation measure.

Determinations The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Alternatives The applicant has provided avoidance, minimization measures, and alternatives analysis information for review by the Corps.

Consideration of Comments Interested parties are invited to submit written comments on or before **July 31, 2002**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice may also be obtained through our web-site at <http://www.spk.usace.army.mil/cespk-co/regulator/PNs>. If additional information is required, please applicant Price Walker, with Elliot Homes, at (916) 948-1300, his agent Jennifer Meffe, with ECORP, Inc., at (916) 782-9100, or Justin Cutler, at the letterhead address, e-mail: Justin.Cutler@usace.army.mil, or telephone (916) 557-5258.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Attachments: 5 Drawings